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CREDIT REPORT SECURITY FREEZE CLEAN CREDIT AND IDENTITY THEFT PREVENTION ACT

Delaware has a new law, the Clean Credit and Identity Theft Prevention Act that protects consumers from becoming victims of identity theft and helps consumers who have been victimized by an identity thief.

Consumers are entitled to place security freezes on their credit reports regardless of whether they have been victimized by an identity thief. **Consumers can place a security freeze by notifying the three major consumer reporting agencies by mail.** Each agency must be contacted individually. While not required under the law, **consumers may want to send their requests by certified mail so that they will know when the reporting agency received their notification.**

In the future, the reporting agencies will have to accept requests for security freezes by phone and email but for now the law requires that all requests for freezes must be made by mail. The three reporting agencies are: Equifax, Expedia and TransUnion. Specific information on how to apply to each agency begins on page 2.

Imposing a security freeze will prohibit the agencies from releasing all or any part of the consumer's credit report or any information derived from it without the express authorization of the consumer. Since the reporting agencies cannot release information to third parties such as credit card or financing companies, an identity thief will not be able to open unauthorized accounts. When the security freeze is in place, a consumer will have to lift the freeze to open a new credit account or to obtain a new loan by contacting the agencies and using the Personal Identification Number (PIN) or password each agency will give to the consumer. The agencies may charge \$20 for the consumer's first personal identification number or password. However, victims of identity theft will not be charged any fee for placement of a security freeze.

If a consumer reporting agency negligently violates the security freeze by releasing credit information that has been placed under a security freeze, the agency must give notice of the violation within five days to the consumer including specificity as to the information released and the third party recipient of the information. The consumer has the right to file a complaint with the Federal Trade Commission and to bring a civil action against the agency to recover injunctive relief, a civil penalty up to \$1,000 for each violation plus any damages available

under other civil laws, and reasonable expenses, court costs, investigative costs, and attorney's fees.

In addition to the provisions pertaining to security freezes, the new law also requires the police agency that has jurisdiction over the consumer's actual residence to take a report from any person who knows or reasonably believes that he or she has been the victim of identity theft. Immediately alerting local law enforcement to the crime may help locate the thief and stop others from being victimized. The person making the complaint must be given a copy of the police report. The three credit reporting agencies require a copy of the police report to waive the \$20 fee. In addition, creditors may require a copy of the police report or the complaint number when a consumer notifies them that a thief is responsible for charges made in his or her name.

Here is the information to place a security freeze with each of the three consumer reporting agencies:

FOR EQUIFAX (instructions are from the EQUIFAX website):

Send your written request for a security freeze by mail and include the following information:

1. Your name
2. Address
3. Date of Birth
4. Social Security Number
5. Proof of current address such as a current utility bill – send a copy, not the original.
6. Payment of the \$20 fee to obtain your personal identification number needed to temporarily or permanently lift the freeze. Never send cash through the mail. Equifax accepts personal checks, American Express, MasterCard, VISA, and Discover Cards for payment of fees. If you are paying by credit card, Equifax requires you to include the following information:

- a. Name of the person as it appears on the credit card
- b. Type of credit card (American Express, MasterCard, VISA, or Discover Card)
- c. Complete account number
- d. Expiration data (month and year)
- e. For American Express – 4 digit Card Identification Number (on front of card above the account number)
- f. For MasterCard, VISA, or Discover Card – 3 digit Card Identification Number (on back of card at the end of the account number).

Send your request information to:

Equifax Security Freeze
P.O. Box 105788
Atlanta, Georgia 30348

Once Equifax receives your security freeze request information, a security freeze will be placed on your Equifax credit file and Equifax will send you via US mail a confirmation letter that contains a 10 digit security freeze confirmation number. You will need to provide Equifax with your security freeze confirmation number to request temporary lifts of your security freeze or permanent removal of your security freeze. Please store this confirmation letter in a safe place to prevent delays when requesting a temporary lift or removal of your security freeze.

To obtain additional information from Equifax go to their website at www.equifax.com.

FOR EXPERIAN (instructions are from the Experian website):

Send your written request for a security freeze by mail and include the following information:

1. Your full name, with middle initial and generation, such as JR, SR, II, III, etc.;
2. Your Social Security number;
3. Your date of birth;
4. Your current address; and previous addresses for the past two years.
5. One **copy** of a government issued identification card, such as a driver's license, state ID card, military ID card, etc. A copy of only one document must be sent and be sure to send only a copy and not an original as it will not be returned to you;
6. One **copy** of a utility bill, bank or insurance statement, etc., and make sure that each copy is legible (enlarge if necessary), displays your name and current mailing address, and the date of issue (statement dates must be recent). Experian will not accept credit card statements, voided checks, lease agreements, magazine subscriptions or postal service forwarding orders as proof. A copy of only one document must be sent and be sure that to send only a copy and not an original as it will not be returned to you.
7. Payment of the \$20 fee to obtain your personal identification number needed to temporarily or permanently lift the freeze. Never send cash through the mail. Experian accepts personal checks.

Send your request information to:

Experian Security Freeze
P.O. Box 9554
Allen, TX 75013

Experian will send you a confirmation notice once the security freeze has been added, and you will be given a personal identification number that will be required in order to remove the freeze temporarily (in order to apply for credit or for any transaction that requires that another party access your personal credit report) or permanently.

To obtain additional information from Experian go to their website at www.experian.com.

FOR TRANSUNION (from the TransUnion website):

Send your written request for a security freeze by mail and include the following information:

1. Your name
2. Your address
3. Your Social Security Number
4. Your credit card number and expiration date to pay the \$20 fee. TransUnion accepts American Express, Discover, MasterCard and Visa. Never send cash through the mail.

TransUnion will provide you with an information letter including a Personal Identification Number

(PIN) which you will need to temporarily or permanently lift the freeze.

Mail your written request to:

TransUnion Security Freeze
P.O. Box 6790
Fullerton, CA 92834.

To obtain additional information from TransUnion go to their website at www.transunion.com

FOR VICTIMS OF IDENTITY THEFT: There is no charge for you to place a security freeze with any of the three agencies or to receive your personal identification number to lift the freeze. However, in addition to the information listed above that you must send to each agency, you must also include a copy of the police report. If you have not already done so, call your local police agency and tell them that you need to file a report. After making the complaint, the police will give you a copy of the police report.

CONSUMER PROTECTION UNIT

Consumers can get more information about the new law and additional tips on how to protect themselves from identity theft by calling the Attorney General's Consumer Protection Unit at 800-220-5424.
